

MINUTES
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
UTAH WATER QUALITY BOARD
Salt Lake Sheraton City Center Hotel
Granary Room
150 West 500 South
Salt Lake City, Utah 84101
September 26, 2005
9:30 a.m.

UTAH WATER QUALITY BOARD MEMBERS PRESENT

Ray Child	Dianne Nielson
Paula Doughty	Jay Olsen
David Echols	Joe Piccolo
Neil Kochenour	Gregory Rowley
Darrell Mensel	Ron Sims
	Douglas E. Thompson

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Walt Baker, Faye Bell, Mike Herkimer, Mike Hanson, John Kennington, Kiran Bhayani, Sid Curnow, John Whitehead, Carl Adams, Harry Judd, Mike Reichert, Rand Fisher, Don Hall, Karin Tatum, Ed Macauley, Dave Rupp

OTHERS PRESENT

<u>Name</u>	<u>Organization Representing</u>
Phil Wright	Wasatch County Health Dept.
Dru Whitlock	CH2M Hill
David Spohv	DNR – Office of Property Rights
Jeff Coombs	<u>Tooele Co. Health Dept</u>
Bryan Slade	Tooele Co. Health Dept.
Fred Nelson	Attorney General Office
Laura Lockhart	Attorney General Office
Douglas Nielsen	Sunrise Engineering
Alden Robinson	Sunrise Engineering
Ron Muno	Willard City Council
Scott Archibald	Sunrise Engineering
Jean Loveland	Willard City
Joe DeCaria	Weber-Morgan Health Dept.
Mary Hazard	Weber-Morgan Health Dept
Dan Rydalch	Town of Stockton
Nando Meli	Town of Stockton
Dan Grogan	Town of Stockton
Barry Thomas	Mayor of Stockton
Brendan Thorpe	Ward Engineering

Mayor Piccolo (filling in for Chairman Child called the Board meeting to order at 9:40 a.m. He welcomed those in attendance. Mr. Piccolo invited the members of the audience to introduce themselves.

Introductions of new Water Quality staff: Mr. Baker introduced to the Board the new staff members joining the division.

Appointment of Harry Judd and John Whitehead as Acting Executive Secretaries: Mr. Baker explained to the Board that there are times when the Executive Secretary may not be available, such as vacation, attending conferences, etc. In spite of the absence of the Executive Secretary it is important for our office to be able to issue permits and approvals, and otherwise conduct the business of the Board. To facilitate this it is recommended that Harry Judd and John Whitehead who were recently selected to be Branch Managers, each be appointed as Acting Executive Secretary to the Water Quality Board so that when Walter Baker is not available business will still be able to be transacted. On advice of the Attorney General's Office, this authority would not be delegated if Mr. Baker were available.

Dianne Nielson indicated that these appointments are made by the DEQ Executive Director with the approval of the Board.

Motion: **It was moved by Mr. Sims and seconded by Mr. Olsen to approve Harry Judd and John Whitehead as Acting Executive Secretary for Walter Baker when the need arises. The motion was unanimously approved.**

APPROVAL OF MINUTES OF THE AUGUST 26, 2005 MEETING

Mr. Piccolo noted that Mr. Gary Sonntag from the City of Price, name was misspelled in the minutes.

Motion: **It was moved by Mr. Sims and seconded by Mr. Rowley to approve the minutes of the August 19, 2005 Board meeting with the noted correction. The motion was unanimously approved.**

Ray Child and Mayor Thompson arrived following the approval of the August Board Minutes.

RULEMAKING

Authorization to proceed with a change in proposed rule for R317-4 amendments (Alternative Systems): Mr. Bhayani explained in May 2005 the Board authorized the staff to begin rulemaking to include additional alternative technologies and management strategy in the Onsite Wastewater Systems Rule. Comments were received and enclosed in the packet are staff's response. Staff is requesting authorization to begin public comment period for changes to the proposed amendments published in June 2005.

Motion: **It was moved by Mr. Sims and seconded by Mr. Echols to approve staffs request to begin public comment. The motion was unanimously approved.**

Request for authorization to proceed with rulemaking to R317-4 Onsite System Variance Language. Mr. Hanson directed the Board to Tab 3.48 in the packet, which gives the history associated with a number of variance requests recently made to this rule by Mrs. Kaye McPhie, Mr. Tom Johnson and Ms. Suzanna Graff. On page 3.50(A) the rule explains the requirements for which a variance may be granted. Jeff Coombs from the Tooele County Health Department,

Phil Wright and Suzanna Graff read statements on the proposed rule. Ms. Graff explained her situation to the Board. Following a lengthy discussion, Mr. Child suggested staff re-evaluate the proposed rule and make the necessary wording changes in the rule suggested by the Board and that premature to take the rule out for comment at this time. Ms. Nielson asked that staff consider the comments made and set a time for a conference call so the staff can distribute information to Board members she also suggested Mr. Baker or some staff sit down with Ms. Graff and staff from the Local Health Department (LHD) and outline what the process would be for the rulemaking. Until a rule is in place, no variance can be considered. Mr. Baker said he would contact Ms. Graff with someone from the LHD to discuss the process. He suggested the Board hold a conference call on October 18th at 2:00 pm, which would be open for the public to attend. On Tuesday Oct. 11th at 1:00 pm a conference call working meeting will be held to discuss the revised proposed language of the rule in preparation for the work meeting, Ms. Nielson suggested the staff redraft the rule and send it out to the Board members. Mr. Baker said he will have staff redraft the rule emailed to the Board by Oct. 7th to review prior to the conference call.

Motion: **It was moved by Mr. Child and seconded by Mr. Mensel to have staff rework the rule and get back to the Board by October 7th with the proposed language of the rule to be followed by a conference call with the Board members to review the rule. The motion was unanimously approved.**

LOAN PROGRAM

Financial Assistance Status Report – Sid Curnow updated the Board on the “Summary of Assistance Program Funds” as outlined on pages 4.1 and 4.2.

Request to approve the Town of Stockton Loan request: Ms. Tatum introduced Barry Thomas, Mayor, Dan Rydalch, Nando Meli and Dan Grogan of Stockton, and Brendon Thorpe from Ward Engineering. The Town of Stockton requested financial assistance in the amount of a \$2,494,000 grant and a \$2,700,000 zero percent interest loan repayable over 30 years for the construction of a wastewater collection and treatment system. The project will provide wastewater collection and treatment service to all existing homes in the Town of Stockton with the exception of the B&B subdivision and the Rawhide subdivision, which consists of roughly two-dozen homes on minimum 2-acre lots. The project includes approximately 197 sewer laterals, over 7.5 miles of 8-inch gravity sewer pipe and 23 acres of total containment facultative lagoons. The Water Quality Board was asked to fund a portion of the sewer laterals to maintain the integrity of the Environmental Protection Agency’s cleanup efforts. Staff recommended that the Board authorize financial assistance in the amount of a \$2,494,000 grant and a \$2,700,000 zero percent interest loan repayable over 30 years for the construction of a wastewater collection and treatment system as stipulated in the attached amortization.

Motion: **It was moved by Mr. Piccolo and seconded by Dr. Kochenour to approve the Town of Stockton’s funding request for a \$2,494,000 grant and a \$2,700,000 zero percent interest loan repayable over 30 years with the associated special conditions. The motion was unanimously approved.**

Request to approve the Willard City Loan request: Mr. Rupp introduced Jean Loveland, Mayor of Willard, Scott Archibald, Douglas Nielsen and Alden Robinson from Sunrise

Engineering. The Town of Willard requested financial assistance in the amount of a \$2,875,000 grant and a \$7,125,000 zero percent interest loan repayable over 30 years for the construction of a wastewater collection system. A design advance of \$874,000 was requested to cover all preconstruction design work. Staff recommended the project be funded to construct a sewer system for the City of Willard in order for the city to have responsible and environmentally protective growth. Following a discussion concerning the Board's ability to fund the projects of other communities under similar circumstances, Mr. Mensel asked if staff could provide the Board with the names of similar un-sewered communities within the State that could at some point come before the Board for funding. The Board also asked that staff include under special conditions that Willard City obtain a written service agreement between Brigham City and Willard City.

Motion: It was moved by Mr. Rowley and seconded by Dr. Kochenour to approve Willard City's funding request for a design advance of \$874,000 and project funding in the amount of a \$2,875,000 grant and \$7,125,000 zero percent interest loan repayable over 30 years with the associated special conditions and the additional condition that Willard City acquire from Brigham City a written agreement for the use of their facility. The motion was unanimously approved.

NEXT MEETING

Due to time constraints the remaining items on the Agenda will be presented at a future Board meeting.

The next Water Quality Board meeting will be a conference call on October 18, 2005 at the Cannon Health Building, Room 336 at 2:00 pm.

Ray Child, Chairman